

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
THE IT GROUP, INC., et al.,	:	Case No. 02-10118 (MFW)
	:	Jointly Administered
Debtors.	:	
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IT LITIGATION TRUST,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1268-KAJ
	:	
DANIEL A. D'ANIELLO, et al.,	:	
	:	
Defendants.	:	

ORDER

At Wilmington this 14th day of **June, 2005**.

A telephonic conference was held in the above captioned matter and related matters *Thomas L. Payne, et al. v. Anthony J. DeLuca, et al.*, U. S. District Court, West District of Pennsylvania, Case No. 02-1927; *Howard G. Clair, et al. v. Anthony J. DeLuca, et al.*, U.S. District Court, Western District of Pennsylvania, Case No. 0288; *Staro Asset Management, LLC v. Anthony J. DeLuca, et al.*, U.S. District Court, Western District of Pennsylvania, Case No. 02-0886; and *Highland Capital Mgmt, L.P., et al. v. TC Group, et al.*, Delaware Superior Ct. No. 04C-06-068-RRC with counsel on behalf of the parties in attendance. The purpose of the teleconference was to determine the initial interest in mediating some or all of these matters, particularly

since the defendants are the same in each case. Another related case, *Federal Insurance Company v. D'Aniello*, U.S. District Court, Western District of Pennsylvania, Case No. 05-0305, counsel for plaintiffs was not in attendance. Since that matter involves a declaratory judgment action by insurers of defendants in the other cases, the court determined that that counsel's participation should occur as well.

As a result of the discussions with counsel during the telephonic conference,

IT IS ORDERED that:

1. A telephonic conference is scheduled for **Monday, September 26, 2005 at 5:00 p.m. EST. Counsel for plaintiff in the IT Litigation Trust matter shall initiate this teleconference.** The purpose of the teleconference is to update the Magistrate Judge regarding the status of the various matters and how that affects a global mediation. Counsel for plaintiffs in the related cases and counsel for defendants shall advise plaintiff's counsel in the IT Litigation Trust matter no later than **Thursday, September 22, 2005**, who on behalf of their respective clients, will be participating in the September 25, 2005 teleconference. Plaintiff's counsel in the IT Litigation Trust matter shall fax or email the Magistrate Judge a list of the participants prior to the scheduled teleconference.

2. During the June 13, 2005 teleconference, the court provided its fax number and email address. That information may be conveyed to counsel for plaintiffs in the Federal Insurance Company matter.

3. Since the related cases involve matters in other jurisdictions, Richard Wayne, Esquire shall provide a list of the names, addresses, telephone numbers, fax

numbers and, if possible, the email addresses of counsel involved in the related cases and whom they represent in each case to the Magistrate Judge. In addition, he shall provide a copy of this Order to counsel in the related cases, including plaintiff's counsel in the Federal Insurance Company matter.

4. Plaintiff's counsel in the related matters, except the Federal Insurance Company matter, shall provide a summary of the present status of their case, including the status of any motions to dismiss or case dispositive motions and a **brief** outline of the legal issues to the Magistrate Judge with copies to all counsel in all cases on or before **Monday, June 27, 2005**. Counsel for the Carlyle Group (Latham & Watkins) shall provide a similar summary in the Federal Insurance Company matter on the same date.

5. No communication with the Magistrate Judge shall be efiled in this court or any court. Communication shall be by telephone, email or fax. Any communication sent by fax need not be followed by an original.

Local counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.


UNITED STATES MAGISTRATE JUDGE